

Wikimedia Foundation v. NSA
No. 15-cv-0062-TSE (D. Md.)

Plaintiff's Exhibit 6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WIKIMEDIA FOUNDATION,

Plaintiff,

v.

NATIONAL SECURITY AGENCY /
CENTRAL SECURITY SERVICE, *et al.*,

Defendants.

No. 1:15-cv-00662-TSE

DECLARATION OF EMILY TEMPLE-WOOD

I, Emily Temple-Wood, declare:

1. I am a resident of Downers Grove, Illinois, over the age of eighteen. I have personal knowledge of the facts stated in this declaration, and, if called to testify, I could and would testify competently thereto. I am providing this declaration in my capacity as a Wikimedia Foundation, Inc. (“Wikimedia”) community member. I am not an employee or contractor of Wikimedia.

2. I completed a Bachelor of Science degree from Loyola University Chicago, and I am currently a third-year medical student at Chicago College of Osteopathic Medicine at Midwestern University.

I. Background

3. Wikimedia is a nonprofit charitable organization based in San Francisco, California, dedicated to encouraging the growth, development, and distribution of multilingual educational content, and to providing the full content of “wiki”-based projects to the public free of charge.

Wikimedia operates twelve free-knowledge projects (“Projects”) on the Internet, including Wikipedia, the world’s largest and most popular encyclopedia.

4. I have been a member of the Wikimedia community—as a reader and an editor—for more than 11 years. Since April 2007, I have served as an editor of the English Wikipedia. As an editor, I create original articles for Wikipedia, add original content to existing Wikipedia articles, and edit others’ content for accuracy and compliance with Wikipedia’s principles, including adherence to a neutral point of view. I have created nearly 400 articles on Wikipedia and have edited thousands more, on topics ranging from biology to women scientists.

5. I have also held several leadership positions within the Wikimedia community. Since November 2007, I have served as an English Wikipedia administrator. Administrators are community leaders, appointed by other community members, who help maintain the integrity of Wikipedia’s content. Administrators’ responsibilities include blocking certain disruptive users from editing the site, protecting articles from vandalism, deleting and undeleting Wikipedia articles, and mediating disputes.

6. From January 2016 through December 2017, I served on the English Wikipedia’s Arbitration Committee. Arbitrators are elected directly by the English Wikipedia community and resolve community disputes over Wikipedia users’ conduct when all other dispute-resolution mechanisms have failed. The Committee is also empowered to penalize and ban members who misuse administrative privileges or who are disruptive to the functioning of the community. In addition, the Committee issues binding judgments on matters of Wikipedia policy and clarifies the principles of Wikipedia’s governance.

7. Since the summer of 2015, I have served as a Wikipedia Overseer. Overseers are appointed after review by the English Wikipedia community and the Arbitration Committee.

Oversighters' responsibilities include removing non-public personal information that is improperly posted to Wikipedia's public webpages, such as phone numbers, addresses, and identities of anonymous users; removing libel and defamatory content; and removing content that infringes copyrights.

II. Relationship Between Wikimedia and Its Users

8. The relationship between Wikimedia and its community of users is so close and intertwined that it is symbiotic: one cannot exist without the other. Users rely on Wikimedia's administrative and technical expertise to create, edit, distribute, and receive free educational content, and Wikimedia relies on its users to create, edit, distribute, and receive that content in furtherance of its mission. Volunteers play critical roles that keep the Projects functioning, such as the administrator, arbitrator, and oversighter roles described above.

9. Wikimedia supports its user community in myriad ways. For one, it operates and provides the technical infrastructure for the Wikimedia Projects, including Wikipedia. It also administers grants to benefit the Wikimedia community and movement, develops software for the community, and works with community members to organize conferences and community-outreach events around the world.

10. Like many other members of the Wikimedia community, I have worked closely with Wikimedia staff. Specifically, my work as an administrator, arbitrator, and oversighter has required extensive communication with Wikimedia staff. In addition, in both 2014 and 2015, I applied for and received grants of \$7,000 from Wikimedia to help engage more women as Wikipedia editors. These grants enabled me to develop techniques for recruiting and retaining women editors. Over the course of several years, I also applied for and received scholarships from Wikimedia to attend ten conferences with Wikimedia staff and users.

11. Wikimedia exists to facilitate the user community's work in fulfilling the shared mission of the Wikimedia movement, and the user community would quickly collapse without Wikimedia's infrastructure, network, and support. Wikimedia and its community members depend on one another in pursuit of their shared goal of ensuring that knowledge is free.

III. The Importance of Wikimedia's Non-U.S. Readers and Contributors to U.S. Users

12. My interest in contributing to Wikipedia is based in part on my ability to reach an international audience. Free information is not just for Americans—it is for everyone. Indeed, the very purpose of Wikipedia is to create and distribute the largest and most comprehensive encyclopedia ever written—one of the highest possible quality, that is available for free to every single person on the planet in his or her own language. My contributions to Wikipedia are in furtherance of this mission and of my belief that information on Wikipedia should be freely available to U.S. and non-U.S. persons alike.¹ These contributions have been read by Wikipedia users abroad.

13. I also read and benefit from the contributions of non-U.S. users on a wide array of topics, such as biographies of notable women from around the world, films, history, astronomy, rare diseases, anatomy, and pathology. Wikipedia seeks to amass the sum of human knowledge, and that is simply impossible without the voices of foreign contributors located abroad.

14. Wikimedia community members are spread around the world. As a Wikimedia community member, my relationship with non-U.S. users is crucial to my involvement with Wikimedia.

¹ In this context, by “non-U.S. persons,” I mean individuals who are located outside the United States.

15. For example, I interact with and rely on non-U.S. Wikimedia users through the Wikipedia project “Women in Red.”² This project is designed to address the fact that a disproportionate number of biographies on Wikipedia concern the lives of notable men. Seeking to remedy this gender gap, Women in Red encourages Wikipedia users to create and contribute to articles discussing the biographies and works of notable women. The project has resulted in articles in dozens of languages, including English, Farsi, Catalan, German, Greek, Spanish, French, Italian, Hebrew, Dutch, Albanian, Tamil, Thai, Ukrainian, and Mandarin. As a result of Women in Red, I have read and benefitted from the contributions of many non-U.S. Wikimedia community members to English-language biographies of women.

16. I also deeply value my relationships with the non-U.S. Wikimedia users I have met through Wikimedia conferences. The largest annual conference for the Wikimedia movement, known as “Wikimania,” takes place in a new international location each year. The purpose of the conference is to bring together community members from around the world for discussions, trainings, and exchanges of ideas. I have attended four of these conferences, where I have met hundreds of members of the global Wikimedia community.

17. After the conferences, I have continued to communicate with many non-U.S. Wikimedia community members through various means, including Wikipedia “Talk” pages, user “Talk” pages, and private email lists organized by Wikimedia.³ For example, at the 2013 Wikimania conference in Hong Kong, I had lengthy discussions with my roommate for the week—a Wikipedia contributor from Iraq—about gaps in Wikipedia content. At the conference, I gave a talk about missing women scientists’ content, and non-U.S. attendees encouraged me to

² See https://en.wikipedia.org/wiki/Wikipedia:WikiProject_Women_in_Red.

³ These pages, also known as “discussion” pages, allow users to publicly discuss potential changes to an article or other Wikimedia Project page.

focus on remedying this gap. After the conference concluded and we returned to our respective countries, we continued these discussions online through Wikipedia pages, which led to the founding of “WikiProject Women Scientists.”⁴ These conversations inspired me to create and develop dozens of biographies of women scientists on Wikipedia—work that helped deepen my ties to the Wikimedia community, and which led to my being named “Wikimedian of the Year” in 2016.

IV. Importance of Anonymity to Wikimedia Users

18. Anonymity is essential to the Wikimedia user community, including individuals who read or edit Wikimedia Project pages.

19. Although some of my Wikipedia contributions are publicly linked to my real-world identity, I also contribute to Wikipedia under a separate, pseudonymous account when writing about especially sensitive topics. As a medical student, I have a professional interest in gynecology, pediatric gynecology, abortion care, sexually transmitted infections, and LGBTQ health. As a Wikipedia reader, I have accessed Wikipedia pages concerning these issues. As a Wikimedia editor, in order to advance others’ understanding of these topics, I have pseudonymously posted images of myself that depict gynecological anatomy and pathology. Given the extremely sensitive nature of these topics, it is essential that I am able to read and contribute to Wikipedia anonymously. When I read and contribute to Wikipedia anonymously, I consider information connecting my identity to the pages I have read or the contributions I have made on Wikipedia to be private.

20. As a Wikipedia user, I am concerned about government surveillance, including Upstream surveillance of my communications with Wikimedia servers located abroad.

⁴ See https://en.wikipedia.org/wiki/Wikipedia:WikiProject_Women_scientists.

21. Anonymity is critical to non-U.S. Wikimedia users as well. Over the years, I have worked with numerous members of the Wikimedia community who did not disclose their identities because anonymity was so important to them, including Wikipedia administrators, contributors to Women in Red, and users who peer-review articles to ensure that they meet Wikipedia's standards for content quality. Because these users were anonymous, I cannot be certain of their nationality. However, given that some were non-native English speakers, I believe that at least some of these Wikimedia users are non-U.S. persons.

22. Some non-U.S. Wikimedia users have contributed anonymously to Wikimedia about controversial current events in their home countries, because they face grave repercussions if their identities are linked to their online activity. A notable example is an anonymous Wikimedia contributor based in Venezuela. This user posted photographs of anti-government protests in Venezuela to Wikimedia Commons, an online database of media files available for free use. The Venezuelan government eventually uncovered this user's identity and revoked his passport as a result of his contributions to Wikimedia.⁵

23. Upstream surveillance threatens the anonymity and privacy of individuals who visit the Wikimedia Projects. Because of this, and based on my conversations with foreign Wikimedia users living in countries such as Iraq, the United Kingdom, New Zealand, and Singapore, I believe that it is very likely that NSA surveillance has resulted and will result in some foreign readers, editors, contributors, and volunteers being less willing to read, contribute to, or otherwise engage with the Projects, because they fear that their communications will be

⁵ Joe Sutherland, *2015 Wikipedians of the Year Unveiled in Mexico*, Wikimedia Blog (July 31, 2015), <https://blog.wikimedia.org/2015/07/31/wikipedians-of-the-year-2015/>.

intercepted by the U.S. government and also shared with other governments, intelligence services, and organizations with which the U.S. cooperates.

24. In sum, NSA surveillance, including Upstream surveillance, threatens the privacy and anonymity of foreign and domestic members of the Wikimedia community, and that threat discourages individuals from engaging with the Wikimedia Projects.

V. Obstacles to Filing Suit

25. The impact of Upstream surveillance is spread across millions of Wikimedia users and contributors around the world, some of whom may use the Projects a great deal and others who may access the body of knowledge that Wikimedia provides only intermittently. In this context, the obstacles and disincentives that any particular user faces in bringing suit as an individual are significant.

26. First, given the amount of time and resources necessary to pursue a federal lawsuit, as well as the legal and technical complexity of a case challenging the NSA's surveillance practices, I lack the capacity to bring a lawsuit challenging Upstream surveillance on my own behalf. My workload as a medical student would make such a suit impossible. Many Wikimedia community members, including myself, contribute to Wikimedia Projects in their scarce free time, alongside their responsibilities as students, wage-earners, and/or family caretakers.

27. Second, and as importantly, serving as a plaintiff in a lawsuit would threaten the anonymity that users depend on when reading and contributing to the Wikimedia Projects. For example, given the sensitive nature of the articles I read and contribute to on Wikipedia, as summarized above, I would face substantial personal consequences if they were disclosed and dissected in detail in the course of litigation, including through the discovery process.

28. Finally, I fear that if I were to bring a lawsuit challenging U.S. government surveillance, I would risk subjecting myself to unwarranted scrutiny from the U.S. government.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 17, 2018 in Downers Grove, Illinois.

A handwritten signature in black ink, appearing to read "Emily Temple-Wood". The signature is written in a cursive, flowing style with some loops and flourishes.

Emily Temple-Wood